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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,783	08/31/2001	James K. Guy	7784-000263	1040

27572 7590 06/20/2003

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

[REDACTED] EXAMINER

BERCK, KENNETH A

ART UNIT	PAPER NUMBER
2879	

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/943,783	GUY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ken A Berck	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 March 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Amendment A, filed 3/14/2003, has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 8-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Davenport et al. (US 5343367).

Davenport discloses (fig 1-2) a light emitting apparatus with a solid body having external walls defining a source focal point within the body and target focal points adjacent opposite ends of the body, a light source disposed within the body at the focal point and the walls of the body cause total internal reflection of light emitted from the source.

Regarding claims 3, 8 and 14, Davenport discloses the light source extends between two electrodes.

Regarding claims 4, 9 and 15, Davenport discloses the body comprises glass.

Regarding claims 5 and 10 Davenport discloses a central cavity at the source focal point.

Regarding claim 6, Davenport discloses a light bulb for reflecting internally generated light with a solid body having external walls defining a source focal

point within the body and target focal points adjacent opposite ends of the body, the walls defined by a first and second overlapping semi-ellipsoids, the opposite ends defined by conical end portions extending from the semi-ellipsoids and a light source disposed within the body at the source focal point.

Regarding claim 11, Davenport discloses a light bulb with a solid body having external walls defined by a first and second overlapping semi-ellipsoids, each having distal ends opposite a first focal point and a target focal point proximate each of the distal ends and a light source supported by the body at the source focal point.

Regarding claim 12, Davenport discloses the first and second ends are defined by a semi-minor axis of the first and second semi-ellipsoids.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport et al. (US 5343367) in view of Davenport et al (US 6302571).

367' discloses all of the above claim limitations except uses an arc discharge instead of a filament lamp.

571' discloses a filament lamp in order to display light, and that it is an equivalent structure known in the art.

Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Davenport with a filament lamp in order to display light, as disclosed by 571', and because these two lamps were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute a filament lamp for an arc discharge.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken A Berck whose telephone number is (703)305-7984. The examiner can normally be reached on Mon-Fri 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703)305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Art Unit: 2879

kab *[Signature]*  
June 16, 2003

*Kenneth J. Ramsey*

**KENNETH J. RAMSEY  
PRIMARY EXAMINER**